



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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### Guidelines for Application of WAC 51-54-903.2.1.6 Nightclub Sprinkler Rule

Current as of January 19, 2006

The state legislature passed a bill, ESHB1401, during the 2005 session. The bill mandated a rule to require sprinklers in existing nightclubs. Governor Gregoire signed the bill into law on April 22, 2005. The state building code council, as directed by law, developed a rule amending the International Fire Code. This guideline is intended to assist local code officials in the application of the Nightclub Sprinkler Rule.

**Section 903.2.1.6 Nightclub.** An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.

All new nightclubs coming into existence on or after July 1, 2006 shall be provided throughout with an automatic sprinkler system.

Existing nightclubs constructed prior to July 1, 2006 shall be provided throughout with automatic sprinklers not later than December 1, 2007.

The fire code official may for the purpose of applying this rule calculate the occupant load based on the observed use of occupancy in accordance with Table 1004.1.2. Any occupant load determined by the fire code official shall not be used to alter the occupant load determined on the Certificate of Occupancy by the Building Code Official, nor shall it be used to establish additional requirements for toilets or structural requirements.

An occupancy must **meet all four criteria** enumerated under the definition of nightclub in Chapter 2 of WAC 51-54, The International Fire Code as adopted by the State Building Code Council, to be considered a nightclub for the purpose of this rule.

The definition of nightclub reads:

**“NIGHTCLUB: An establishment, other than a theater with fixed seating, which includes all of the following:”**

**1. “Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so.”**

Entertainment provided by live persons, or by an entertainer such as a deejay playing karaoke or recorded music would satisfy this criteria. Background music from radio, recorded tapes, or music emanating from a jukebox does not meet Criteria 1.

**2. “Has its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charge.”**

Social halls, grange halls and other rental facilities used for a variety of purposes by varying lessees do not meet the criteria of having their primary source of revenue “the sale of beverages of any kind for consumption on the premises and/or cover charge.”

A school function at a school facility, such a dance in a school gymnasium where a ticket is sold for admittance, does not meet the criteria of having the primary source of revenue “the sale of beverages of any kind for consumption on the premises and/or cover charge.”

**3. “Has an occupant load of 100 or more as determined by the fire code official;**

In accordance with Section 903.2.1.6, the fire code official may calculate an occupant load based on observed use for the purpose of applying this rule. The occupant load is determined by computing the rate of one occupant per unit of area as prescribed in Table 1004.1.2.

For the purpose of applying the floor area net allowances, and in keeping with the ICC definition of “Floor area, net”, certain spaces are to be excluded from the gross floor area to derive the net floor area. “The area used for permanent building components, such a shafts, fixed equipment, thickness of walls, corridors, stairways, toilet rooms, mechanical rooms, and closets is not included in net floor area.”<sup>1</sup>

“The key point in this definition is that the net floor area is to include the actual occupied area and does not include spaces uncharacteristic of that occupancy.”<sup>1</sup>

The fire code official may determine the occupant load in the manner prescribed above for the sole purpose of applying this rule. Any occupant load determined by the fire code official shall not be used to alter the occupant load determined on the Certificate of Occupancy by the Building Code Official, nor shall it be used to establish additional requirements for toilets, structural improvements or similar requirements.

**4. “Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2”**

The occupant load determination of 100 or more persons **must include** “assembly area without fixed seats” that is considered “Concentrated (chairs only – not fixed)” of 7 net square feet per occupant or “Standing space” of 5 net square feet per occupant.

If a occupancy has an occupant load of 100 or more, but none of that occupant load is comprised of area that is “Concentrated” or “Standing space”, it would not meet criteria 4, and would not be considered a nightclub.

**Additional criteria under the definition of nightclub:**

**“Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.”**

An entertainer that is not paid is still considered to be a “paid performing artist” if the entertainment is being conducted in a for-profit business establishment.”